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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,388	03/21/2001	Barry Jones	GB 000092	8837

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EXAMINER

DADA, BEEMNET W

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,388

Applicant(s)

JONES, BARRY

Examiner

Beemnet W. Dada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The request filed on July 14, 2005 for a request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application 09/814,388 is acceptable and an RCE has been established. An Action on the RCE follows. Claims 1 and 3-7 have been amended. Claims 1-18 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-4, 6, 7-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to mention or teach a dedicated text page dedicated to **the exclusive** delivery of information services.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 7 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

6. Claim 7 is directed to signal comprising a dedicated text page. The examiner respectfully asserts that the claimed subject matter does not fall within the statutory classes listed in 35 USC 101. Claim 7 is rejected as being directed to a signal.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 3-7 and 9-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Seth-Smith et al. US Patent 4,890,321 (hereinafter Seth-Smith).

9. As per claims 1, 4, 6 and 14, Seth-Smith teaches a method of delivering information services to a display apparatus having the capability of receiving broadcast text services, comprising:

receiving information from an information source, encrypting the received information source, adding commands for operating on and/or displaying the information on said display apparatus [figure 1, units 12, 14 and 16 and column 6, lines 28-4151-64];

transmitting the encrypted information and commands to a teletext centre, formatting the encrypted information and commands as packet message signals at the teltext centre into at least one dedicated text page dedicated to the delivery of said information services [column 3, lines 53-63, column 6, lines 53-67, column 18 lines 29-45 and column 29, lines 10-17];

transmitting the at least one dedicated text page including the encrypted information and commands to a display apparatus [column 16, lines 3-13 and column 17 line 40-column 18 line 3];

receiving the at least one dedicated text page including the encrypted information and commands at the display apparatus [column 16, lines 3-13 and column 17 line 40-column 18 line 3],

decrypting and parsing the packet message signals at the display apparatus to recover the commands [column 18 lines 29-44 and column 25, lines 41-64], and

using the recovered commands to operate on and/or display information as desired on said display apparatus [column 18, lines 29-44 and column 32, lines 9-26].

10. As per claims 5, Seth-Smith teaches a display apparatus having the capability of receiving broadcast services, including a client for parsing commands used to condition a display apparatus to operate on and/ or display the information [column 18, lines 29-44 and column 32, lines 9-26], said commands being present in packet message signals transmitted in at least one predetermined dedicated text page and means for conditioning the display apparatus in response to the commands [column 6, lines 53-67, column 18 lines 29-45, column 29, lines 10-17 and figures 10-13].

11. As per claim 7, Seth-Smith teaches a signal comprising a predetermined dedicated text page dedicated to the exclusive delivery of said information services, said predetermined dedicated text page including at least one packet message signal including encrypted information and commands for operating on and/or displaying the information on a display

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apparatus [column 6, lines 53-67, column 18 lines 29-45, column 29, lines 10-17 and figures 10-13].

12. As per claims 3, Seth-Smith teaches the system as applied above. Furthermore, Seth-Smith teaches the method wherein the packet message signal includes an information service identifier and in that a display apparatus is enabled by the information service identifier to receive information services transmitted in the at least one text page [column 3, lines 40-53].

13. As per claims 10-13 and 16-18 Seth-Smith teaches the system as applied above. Furthermore, Seth-Smith teaches the display apparatus [figure 1].

14. As per claims 9 and 15, Seth-Smith teaches the system as applied above. Furthermore, Seth-Smith teaches a source of apparatus [figure 1].

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seth-Smith et al. US Patent 4,890,321 in view of Wells et al. US Patent 6,078,820 (hereinafter Wells).

17. As per claims 2 and 8, Seth-Smith teaches a method of delivering information services to a display apparatus having the capability of receiving broadcast text (i.e., teletext messages) services [see for example column 3, 50-63]. Seth-Smith further teaches formatting the encrypted information and commands as packet message signals into at least one text page [column 6, lines 53-67, column 18 lines 29-45, column 29, lines 10-17 and figures 10-13]. Seth-Smith is silent on the system wherein the package message signals are formatted as short message service (SMS) signals. However Wells teaches a real-time SMS application message [see Wells abstract] including formatting package message signals as short message service (SMS) signals [see for example column 7, lines 30-36]. Both Seth-Smith and Wells teach transmitting text messages. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Wells within the system of Seth-Smith in order to enable text message processing in short message service.

Response to Arguments

18. Applicant's arguments filed July 14, 2005 have been fully considered but they are not persuasive. Applicant argues that Seth-Smith does not disclose or suggest the use of a predetermined dedicated text page dedicated to the exclusive delivery of information services. Examiner disagrees.

19. Examiner would point out that Seth-Smith teaches a teletext communication including transmitting a page of text (see for example column 18, lines 29-450) which meets the claim limitation. Examiner would further point out that Seth-Smith teaches transmitting the at least one dedicated text page including the encrypted information and commands to a display apparatus [column 16, lines 3-13 and column 17 line 40-column 18 line 3], receiving the at least one

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dedicated text page including the encrypted information and commands at the display apparatus [column 16, lines 3-13 and column 17 line 40-column 18 line 3, column 21, lines 5-17].

Examiner asserts that Seth-Smith teaches the claimed limitations and therefore the rejection is respectfully maintained.

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

September 21, 2005

HSE
Primary Examiner
Art Unit 2135